

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

CLERKS OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

8/4/2023

LAURA A. AUSTIN, CLERK  
BY: s/ ARLENE LITTLE  
DEPUTY CLERK

PETERS, RACHEL, N.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO: 6:23cv00043
	)	
GOLDMAN SACHS BANK,	)	
	)	
Defendant.	)	
	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, defendant Goldman Sachs Bank USA (“GS Bank”), erroneously named here as Goldman Sachs Bank, hereby removes the action entitled Peters, Rachel, N. v. Goldman Sachs Bank, filed in the Commonwealth of Virginia, Lynchburg General District Court (the “Action”), to the United States District Court for the Western District of Virginia, on the following grounds:

**Removal Is Timely**

1. On June 23, 2023, plaintiff Rachel N. Peters (“Plaintiff”) served GS Bank via the Secretary of the Commonwealth with the Warrant in Debt in this action. The Secretary of the Commonwealth forwarded the papers to GS Bank on July 6, 2023, and GS Bank received the papers on July 10, 2023. Accordingly, GS Bank has timely filed this Notice of Removal within thirty (30) days of receipt of a copy of the initial pleading. See 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all pleadings, process, and orders served on GS Bank are attached as Exhibit A and incorporated herein by reference.

**The Court Has Removal Jurisdiction Over the Action**

2. Pursuant to 28 U.S.C. § 1331, original jurisdiction of the district courts includes jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” “An action may ‘arise under’ a law of the United States if the plaintiff’s right to relief necessarily turns on construction of federal law.” Bright v. Bechtel Petroleum, Inc., 780 F.2d 766, 769 (1986) (citing Franchise Tax Bd. of Cal. v. Constr. Laborer’s Vacation Trust, 463 U.S. 1, 9 (1983)). Insofar as Plaintiff alleges liability on the basis of “inaccurate reporting,” Plaintiff could only be asserting a claim for violation of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (“FCRA”), a claim necessarily arising under the laws of the United States, and subject to this Court’s removal jurisdiction under 28 U.S.C. § 1331. The FCRA expressly preempts state laws relating to the responsibilities of furnishers of credit information, like GS Bank is here. See 15 U.S.C. § 1681t(b) (“No requirement or prohibition may be imposed under the laws of any State (1) with respect to any subject matter regulated under . . . (F) section 1681s-2 of this title, relating to the responsibilities of persons who furnish information to consumer reporting agencies . . . .”); see also Cipollone v. Liggett Grp., Inc., 505 U.S. 504, 521 (1992) (explaining that the phrase “no requirement or prohibition” in a preemption provision refers both to state common law claims as well as to state statutory claims). Given Plaintiff’s allegation that GS Bank engaged in “inaccurate reporting,” she only could be referring to information GS Bank furnished to a consumer reporting agency regarding some consumer lending product she has with GS Bank. Thus, the removal is proper.

**Consent Is Not Necessary Because No Other Defendant Has Been Named**

3. GS Bank is the only named defendant in this Action. Accordingly, consent to removal is not necessary and removal is proper pursuant to 28 U.S.C. § 1446(a) & (b).

**Venue Is Proper in This Court**

4. This Court is the proper district court for removal because the Lynchburg General District Court is located within the United States District Court for the Western District of Virginia. See 28 U.S.C. § 1441(a) and 1446(a). Venue is proper in the Lynchburg Division of the U.S. District Court of the Western District of Virginia under Local General Rule 2 because the Lynchburg General District Court is within Campbell County, Virginia. See 28 U.S.C. § 127(b).

**Notice Will Be Effected**

5. Pursuant to 28 U.S.C. § 1446(d), this Notice of Removal shall be given to adverse parties and a duplicate copy of this Notice of Removal shall be filed in the Action.

Dated: August 4, 2023

**MORGAN, LEWIS & BOCKIUS LLP**

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